

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by adding
5 Section 9-120.5 as follows:

6 (735 ILCS 5/9-120.5 new)

7 Sec. 9-120.5. Offensive use of property.

8 (a) As used in this Section, "offensive use of property"
9 means the repeated use of leased premises in a manner that
10 disturbs the peace or is detrimental to the health and safety
11 of the neighbors of the premises. To qualify as offensive use
12 of property, all of the following conditions must exist:

13 (1) on 3 or more separate occasions within a 60-day
14 period, an act is committed on the property which is:

15 (A) a felony or a Class A misdemeanor;

16 (B) a violation of subsection (a)(1) of Section
17 26-1 of the Criminal Code of 2012; or

18 (C) a violation of a public order regulation
19 adopted under Section 11-5-1, 11-5-2, or 11-5-10 of the
20 Illinois Municipal Code;

21 (2) a lessee or his or her guest used the premises,
22 permitted the premises to be used, or knew or should have
23 known that the premises would be used in the commission of

1 the act; and

2 (3) on each occasion, an arrest was made or a citation
3 was issued for the commission of the act.

4 (b) If the standard for offensive use of property has been
5 met, then the tenancy may be terminated and the owner, lessor,
6 or agent shall be entitled to bring a forcible entry and
7 detainer action under this Section.

8 (c) If an owner, lessor, or agent terminates a tenancy
9 under this Section, the owner, lessor, or agent shall be
10 required to deliver a 5-day notice to quit to the lessee,
11 specifying the alleged acts and the date of occurrence for
12 each. The notice shall be substantially in the following form:

13 "To(names of tenants) and all other unknown
14 occupants. Because of the repeated use of the residence you
15 rent at (location of the premises) in a manner
16 that disturbs your neighbors or threatens the health and
17 safety of your neighbors, I have chosen to terminate your
18 right to remain in the property. The specific acts, which
19 took place in a 60-day period and resulted in an arrest
20 being made or a citation being issued, are:
21 (insert the alleged acts and the date of
22 occurrence for each). You are hereby notified to return
23 possession of your residence to me within 5 days of this
24 date (date of delivery of notice).

25 Any person identified in this notice who, because of an
26 act listed in this notice, is a victim of domestic

1 violence, dating violence, sexual assault, or stalking may
2 present the court documentation to defend the victim's
3 right to retain possession of the residence. Documentation
4 shall be in the form of medical, court, or police records
5 documenting the violence or a statement from either an
6 employee of a victim service organization or a medical
7 professional from whom the victim sought services.

8 This demand is being made pursuant to Illinois law
9 (Section 9-120.5 of the Code of Civil Procedure, 735 ILCS
10 5/9-120.5, which can be found online for further
11 information)."

12 The notice shall be signed by the owner, lessor, or agent.
13 No other notice or demand of possession or termination of the
14 tenancy is necessary.

15 (d) A hearing shall be held not more than 14 days after
16 filing of the forcible entry and detainer action. If the court
17 finds that the standard for offensive use of property has been
18 met, it shall enter judgment for possession of the premises in
19 favor of the plaintiff. The plaintiff shall be entitled to
20 re-enter the premises immediately, or no later than within 7
21 days of the entry of the judgment for possession of the
22 premises if the court determines such a stay is appropriate to
23 preserve the peace.

24 (e) The court may stay a judgment for possession for up to
25 6 months, provided:

26 (1) all parties agree to the stay;

1 (2) the court determines the lessee is willing and able
2 to prevent the offensive use of the property from
3 continuing; and

4 (3) none of the qualifying acts were of a violent
5 nature.

6 The stay shall be lifted and judgment for possession shall
7 be enforced if, prior to the expiration of the stay, the
8 plaintiff petitions the court to terminate the stay and the
9 court finds that, subsequent to the issuance of the stay, an
10 act has been committed on the property which qualifies as
11 offensive use of property under subsection (a) of this Section.
12 The judgment for possession shall otherwise be automatically
13 vacated at the end of the period of the stay. Upon the lifting
14 of the stay, the plaintiff shall be entitled to re-enter the
15 premises immediately.

16 (f) The sheriff or other lawfully deputized officer shall
17 execute an order under this Section within 7 days of its entry
18 or within 7 days of the expiration of a stay of judgment.

19 (g) Nothing in this Section shall limit the rights of an
20 owner, lessor, or agent to bring a forcible entry and detainer
21 action on the basis of other applicable law.

22 (h) The governmental agencies in whose jurisdiction the
23 leased premises are located shall provide the owner, lessor, or
24 agent with the information reasonably necessary to
25 substantiate the required elements of an action filed under
26 this Section. A municipality or other governmental entity may

1 not require an owner, lessor, or agent to bring a forcible
2 entry and detainer action under this Section or impose a
3 penalty on the owner, lessor, or agent for failure to evict
4 when notification is made.

5 (i) A tenant or occupant may not be the subject of a
6 forcible detainer under this Section in conjunction with a
7 qualifying act in which that tenant or occupant is the victim
8 of domestic violence, dating violence, sexual assault, or
9 stalking.